

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to motor carriers and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 524, “For-Hire Intrastate Motor Carrier Authority,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 325A.7A and 325A.10.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 325A.

#### *Purpose and Summary*

This proposed rule making aligns with existing legal authority and Department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern electronic procedures and terminology.

The proposed amendments make technical changes to the rules to clearly identify that the credential being issued is a motor carrier permit or certificate. Also, the proposed amendments simplify the application and supporting documentation required for a motor carrier permit or certificate and still allow for those documents to be sent to the Department electronically.

This proposed rule making amends the rules related to changes after a motor carrier permit has been issued to provide that a permit number could be included in the basis for requesting a duplicate permit and to align with current Department practice of requiring a motor carrier to submit an updated application when the motor carrier’s name or address changes.

The proposed amendments remove the requirement that a bill of lading or freight receipt be issued in triplicate because that practice is no longer necessary.

The proposed amendments comply with current Department practice and provide that a peace officer may inspect the bill of lading or freight receipt, which is consistent with a peace officer’s authority to inspect the motor carrier permit or certificate under Chapter 524.

Finally, this proposed rule making amends the rules encompassing motor carrier tariffs to remove the outdated requirement of issuing adoption notices and participation notices, which are no longer used. The proposed amendments also simplify the process of indicating tariff changes by allowing for a summary of the changes to be provided, rather than requiring use of a specific symbol to denote the changes. Also, a motor carrier is given the flexibility of utilizing forms other than the forms prescribed by the Department for an application for special permission to establish rules of the tariff and for the motor carrier to grant powers of attorney to an agent.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 14, 2020. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

April 16, 2020  
11 a.m.

Department of Transportation  
Motor Vehicle Division  
6310 SE Convenience Boulevard  
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—524.2(325A) as follows:

#### **761—524.2(325A) General information.**

**524.2(1) Information and location.** Applications, forms and information on motor carrier permits and motor carrier certificates are available by mail from the ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3268; by facsimile at (515)237-3225; or by email at [omcs@iowadot.us](mailto:omcs@iowadot.us).

**524.2(2)** No change.

**524.2(3) Complaints.** Complaints against motor carriers pertaining to the provisions of this chapter shall be submitted in writing to the ~~office of~~ vehicle and motor carrier services bureau.

ITEM 2. Amend rule 761—524.3(325A) as follows:

**761—524.3(325A) Applications and supporting documents.**

**524.3(1) Application.** An application for a motor carrier permit or motor carrier certificate shall be made to the ~~office of vehicle and motor carrier services on a bureau~~ in the form and manner prescribed for that purpose and furnished upon request by the department. ~~The department may require application forms and supporting documentation to be submitted electronically.~~

**524.3(2)** No change.

**524.3(3) Supporting documents.** An application for a motor carrier permit or motor carrier certificate must be accompanied by the following supporting documentation in the form and manner prescribed by the department:

*a. to e.* No change.

ITEM 3. Amend rule 761—524.4(325A) as follows:

**761—524.4(325A) Issuance of ~~credentials~~ motor carrier permit or motor carrier certificate.** When all requirements are met, the department shall issue the motor carrier permit or certificate. The motor carrier shall make a copy of the permit or certificate and carry it in each motor vehicle at all times. The copy may be in either a physical or an electronic format as prescribed by the department. The permit or certificate shall be available for display to any peace officer upon request.

ITEM 4. Amend rule 761—524.5(325A) as follows:

**761—524.5(325A) Duplicate motor carrier permit or motor carrier certificate.** Written requests for a duplicate motor carrier permit or motor carrier certificate shall be sent to the ~~office of vehicle and motor carrier services bureau~~. Requests shall include the carrier name, and the carrier permit number, certificate number, or U.S. DOT number. Any motor carrier in good standing shall be issued a duplicate document upon payment of the required fee.

ITEM 5. Amend rule 761—524.6(325A) as follows:

**761—524.6(325A) Amendment to a motor carrier permit or motor carrier certificate.**

**524.6(1) Update to a motor carrier permit.** To change the commodities being transported under a permit, an updated application must be submitted to the ~~office of vehicle and motor carrier services bureau~~. The updated application shall include the permit number and the required fee for a duplicate permit. Transporting of commodities not listed on the permit shall not commence until a new permit or temporary permit has been issued and is carried in the vehicle.

**524.6(2) Change of name or address for a motor carrier permit or certificate.** ~~Notification of a name or address change~~ To change the name or address, an updated application shall be sent to the ~~office of vehicle and motor carrier services bureau~~ within 30 days after the change. ~~Notification~~ The updated application shall include the permit or certificate number, old name or address, new name or address, and the required fee.

ITEM 6. Amend subrule 524.7(2) as follows:

**524.7(2) Self-insurance.** In lieu of maintaining the above insurance, intrastate carriers that also operate interstate and have been approved by a federal agency to self-insure may apply to the department to self-insure by submitting a written request to the ~~office of vehicle and motor carrier services bureau~~. The written request shall include a copy of the federal agency's approval. The department shall allow self-insurance as long as a federal agency has approved the carrier to self-insure and the motor carrier provides the department with copies of any information required by that federal agency. The department must be notified immediately by the motor carrier if there is any change in the status of the self-insurance for interstate operation.

ITEM 7. Amend rule 761—524.8(325A) as follows:

**761—524.8(325A) Self-insurance for motor carriers of passengers.**

**524.8(1) *Applications for self-insurance.*** A motor carrier of passengers with more than 25 motor vehicles may request self-insurance by submitting a written request to the ~~office of~~ vehicle and motor carrier services bureau. The written request shall include a copy of the most recent audited financial statement and a vehicle list.

**524.8(2) *Review by the department.*** The department may request additional information. The department shall deny the request to self-insure or suspend existing approval if the motor carrier fails to meet the self-insurance standard. Approval of self-insurance is continuous. However, the motor carrier shall annually file audited financial statements with the ~~office of~~ vehicle and motor carrier services bureau within 60 days after the end of the motor carrier's fiscal year.

**524.8(3)** No change.

ITEM 8. Amend rule 761—524.11(325A) as follows:

**761—524.11(325A) Safety education seminar.**

**524.11(1)** No change.

**524.11(2) *Availability.*** The department shall provide an approved safety education seminar periodically. Information on the seminar schedule is available by mail from the ~~Office of Vehicle and Motor Carrier Services Bureau~~, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or by telephone at (515)237-3268; or by email at [ocms@iowadot.us](mailto:ocms@iowadot.us).

**524.11(3) *Third-party safety education seminar approval.*** ~~The office of motor~~ Motor vehicle enforcement shall approve the course curriculum before approving individuals outside the department to conduct safety education seminars. The course curriculum shall be submitted for approval to ~~the office of~~ motor vehicle enforcement. At a minimum, the safety course curriculum shall include the following information:

*a. to f.* No change.

**524.11(4) *Exemption.*** Passenger carriers with vehicles not meeting the definition of a commercial vehicle as defined in Iowa Code section 321.1 are exempt from attending the safety education seminar and paying the seminar fee. A motor carrier certificate issued for such a carrier contains the statement: "limited to noncommercial vehicles only." If a motor carrier wishes to start operating vehicles that meet the definition of a commercial motor vehicle, the motor carrier must update its authority with the ~~office of~~ vehicle and motor carrier services bureau. A motor carrier must pay the seminar fee and attend the seminar within six months of updating the certificate. A new motor carrier certificate removing the limitation would then be issued.

ITEM 9. Amend rule 761—524.13(325A) as follows:

**761—524.13(325A) Bills of lading or freight receipts.**

**524.13(1) *Requirements.*** Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, shall issue a bill of lading or receipt ~~in triplicate~~ on the date freight is received for shipment. The bill of lading or receipt shall show the following:

*a. to h.* No change.

**524.13(2) *Retention.*** There shall be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The motor carrier's copy shall be carried with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier shall keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department's representatives and any peace officer.

ITEM 10. Amend rule 761—524.15(325A) as follows:

**761—524.15(325A) Tariffs.**

**524.15(1) Requirements.** All motor carriers of household goods shall maintain on file with the ~~office~~ of vehicle and motor carrier services bureau a tariff stating the rates and charges that apply for the services performed under the permit.

**524.15(2)** No change.

**524.15(3) Filing date.** All changes to tariffs and supplements must be filed with the ~~office~~ of vehicle and motor carrier services bureau at least seven days prior to the effective date. Tariffs, or supplements ~~or adoption notices~~ issued in connection with applications for motor carriers of household goods may become effective on the date the permits are issued.

**524.15(4) Copy to department.** To file a tariff with the ~~office~~ of vehicle and motor carrier services bureau, motor carriers of household goods or their agents shall submit a transmittal letter listing all the enclosed tariffs and include one copy of each tariff, supplement or revised page.

**524.15(5) to 524.15(7)** No change.

**524.15(8) Tariff changes.** All rates and charges which have been filed with the ~~office~~ of vehicle and motor carrier services bureau must be allowed to become effective and remain in effect for a period of at least seven days before being changed, canceled or withdrawn. All tariffs, supplements and revised pages shall indicate changes from the ~~preceding issue~~ previous tariff. Changes may be indicated by providing a summary or by use of the following symbols:

(R) to denote reductions

(A) to denote increases

(C) to denote changes, the result of which is neither an increase nor a reduction.

~~The proper symbol must be shown directly in connection with each change.~~

**524.15(9)** No change.

**524.15(10) Application for special permission.** Motor carriers of household goods and agents when making application for permission to establish rates, charges, or rules of the tariff on less than the statutory seven days' notice shall use the form prescribed by the ~~office of vehicle and motor carrier services~~ department or other form containing all of the required information.

**524.15(11) Powers of attorney and participation notices.**

a. Whenever a motor carrier of household goods desires to give authority to an agent or to another motor carrier of household goods to issue and file tariffs and supplements in its stead, a power of attorney ~~in the form prescribed by the department must be used~~ shall be provided to the department.

b. The original power of attorney shall be filed with the ~~office~~ of vehicle and motor carrier services bureau and a copy sent to the agent or motor carrier of household goods on whose behalf the document was issued.

c. No change.

**524.15(12) Nonconforming tariffs.** The ~~office~~ of vehicle and motor carrier services bureau shall review tariffs that do not conform with subrules 524.15(1) to 524.15(11) to determine if the tariffs contain the necessary information and are acceptable. Tariffs that are unacceptable shall be returned with an explanation.

ITEM 11. Amend rule 761—524.18(325A) as follows:

**761—524.18(325A) Hearings.** A person whose application for a motor carrier permit or certificate has been denied for a reason other than noncompliance with insurance requirements or whose motor carrier permit or certificate has been suspended or revoked for a reason other than noncompliance with insurance requirements may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the director of the ~~office~~ of vehicle and motor carrier services bureau. The request shall include, as applicable, the motor carrier's name, permit or certificate number, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of suspension, revocation or denial.